

REMARKS

35 U.S.C. § 103(a) Rejection

Claims 1-3, 5-7 and 17 have been rejected under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 4,104,409 to Vitzthum *et al.* ("Vitzthum").

Looking first at independent claims 1 and 17, it can be seen that the claimed method uses an "extract of hop solids as the sole hopping material" (Underlining added).

Reviewing Vitzthum, it is stated at column 3, line 46-51 that

The hops liberated of the total resin and of the essential oils can then be extracted in known manner in an aqueous phase without any further preliminary treatment; the solution is concentrated and the residue combined under an inert gas in suitable mixers with the CO₂ extract. (Underlining added.)

Also, at column 3, lines 59-65 of Vitzthum, it is stated that

The water extract thus obtained, which is either dry or hydrous, as desired, is then added to the extract obtained in the first step and can then be used either alone or mixed with the extract portion obtained from the strictly aqueous extraction (third step), which can be either spray- or freeze-dried. (Underlining added.)

Also, in the Examples at column 4, lines 22-31 of Vitzthum, it is stated that

The hops liberated of the resin portions were extracted without further preliminary treatment for 3 hours with 10 l water in the waterbath at 90° - 95° C the spent residue was filtered off and the solution concentrated in the vacuum at 40°-50° C bath temperature to a slurry consistency. After freeze-drying there was obtained 209 g of a light brown powder. This mass was then mixed intensively under inert gas at room temperature with the CO₂ extract obtained before, which yielded 379 g hop extract. (Underlining added.)

Throughout Vitzthum, any extract of hop solids is combined with the CO₂ extract of the hops. Thus, Vitzthum does not describe, teach or suggest using an "extract of hop solids as the sole hopping material" as recited in independent claims 1 and 17.

Accordingly, it is believed that Vitzthum fails to support an obviousness rejection of the pending claims. Therefore, it is respectfully submitted that independent claim 1 (and claims 2-3 and 5-7 that depend thereon) and independent claim 17 are patentable over Vitzthum.

Double Patenting Rejections

Two terminal disclaimers are enclosed herewith, along with authorization to charge the terminal disclaimer fee to Deposit Account No. 17-0055.

Conclusion

Therefore, it is submitted that the application is in condition for allowance. Favorable reconsideration is respectfully requested.

Other than the terminal disclaimer fees, additional fees are not believed to be needed for this amendment. However, if additional fees are needed, please charge them to Deposit Account No. 17-0055.

Respectfully submitted,

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